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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

10 MICHELLE PEREDIA; on behalf of herself, all
 others similarly situated,

Case No.: 2:23-cv-02132-APG-MDC

11 Plaintiff,

13 v.

14 KANE & MYERS, PLLC, d/b/a and a/k/a
 THE702FIRM; MICHAEL KANE, an individual;
 15 BRADLEY MYERS, an individual; JOEL
 HENGSTLER, an individual; TAMARA
 HARLESS, an individual; and DOES 1 through
 16 50, inclusive, and DOES 1-50, inclusive,

**JOINT STIPULATION TO EXTEND
 TIME TO FILE MOTION FOR
 CERTIFICATION, MOTION FOR
 CONDITIONAL CERTIFICATION
 AND DISCOVERY**

(FIRST REQUEST)

18 Defendants.

20 Plaintiff Michelle Peredia (“Plaintiff”), on behalf of herself and all others similarly situated
 21 (“Putative Members”), by and through her attorney of record, Jason Kuller, Esq. and Robert Montes,
 22 Jr., of Rafii & Associates, P.C., and Defendants Kane & Myers, PLLC d/b/a and a/k/a THE702FIRM,
 23 Michael Kane, Bradley Myers, Joel Hengstler, Tamara Harless (collectively “Defendants”), by and
 24 through their attorneys of record, Sheri M. Thome, Esq. and Holly E. Walker, Esq. of Wilson, Elser,
 25 Moskowitz, Edelman & Dicker LLP, hereby stipulate to extend certain deadlines (as addressed below)
 26 to the Joint Discovery Plan and Scheduling Order (ECF 42).

1 On September 4, 2024, Defendants' Motion to Dismiss was argued before the Hon. Judge
2 Andrew Gordon. Defendants' Motion to Dismiss was granted in part; however, a certain factual issue
3 remained unresolved. Specifically, whether Defendants tendered all wages owed to Plaintiff. The
4 parties were afforded to the opportunity to conduct limited discovery on this issue, and then provide
5 the Court with supplemental briefing on Defendants' argument of "Tender Futility." No briefing
6 schedule was set by the Court.

7 On March 5, 2024, the Court Ordered that the parties submit a proposed discovery plan and
8 scheduling order by March 20, 2025 (ECF 38).

9 On March 20, 2025, the parties submitted a Joint Stipulation to Extend Time to File the
10 Proposed Discovery Plan that was granted by the Court extending the time for the Parties to submit
11 the Joint Proposed Discovery Plan from March 20, 2025, to March 27, 2025 (ECF 39). The Court
12 granted the requested extension (ECF 40).

13 On March 31, 2025, Court entered the Discovery Plan and Scheduling Order and provided the
14 following:

- 15 1. The Parties briefing schedule regarding Tender Futility mandated that the Parties file
16 simultaneous briefs on May 14, 2025, and that each party could file a Responsive Brief on
17 May 28, 2025.
- 18 2. Plaintiff's Motion for Certification and Class Notice be filed by June, 18, 2025, or three
19 weeks after the three (3) weeks after the Court's order on the parties' renewed briefing –
20 whichever is earlier (ECF 42).

21 The Parties subsequently requested that the briefing schedule regarding Defendant's Tender
22 Futility argument be extended. On May 29, 2025 the Court granted the parties Joint Stipulation to
23 Extend Time to File Responsive Briefs from May 28, 2025, until **June 11, 2025** (ECF 46).

24 The parties have filed their respective briefs and responsive briefs pursuant to the Court's
25 order, and are presently awaiting the Court's ruling on Defendants Motion to Dismiss.

1 Whereas the Court has not ruled on the issue of Tender Futility or whether it has jurisdiction.
2 Thus, the present briefing schedule related to the Motion for Conditional Certification and Class
3 Certification leaves ambiguity and confusion, the parties agree to the following revised schedule:

1. Plaintiff's Motion for Conditional Certification of Plaintiff's FLSA claims will be filed by September 18, 2025, or three weeks **after** the Court's order on Defendant's Motion to Dismiss – whichever is later.
2. Plaintiff's Motion for Class Certification will be filed on January 19, 2026, which is approximately 30 days after fact discovery is complete.

9 Good cause exists for this extension as the Court has not ruled on the parties supplemental
10 briefing. Additional good cause exists as Counsel for Plaintiff, Robert Montes, Jr., is scheduled to
11 take the Nevada State Bar on July 29, 2025, through July 31, 2025. Accordingly, Mr. Montes will be
12 unavailable for much of July 2025. This stipulation will provide the parties adequate time and some
13 certainty to prepare their motions and responses thereto.

14 || Dated this 20th day of June, 2025.

Dated this 20th day of June, 2025.

15 WILSON, ELSER, MOSKOWITZ, EDELMAN
16 & DICKER LLP

RAFII & ASSOCIATES, P.C.

17 /s/ Sheri Thome (with Permission)
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19 Nevada Bar No. 008657
20 Holly E. Walker, Esq.
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22 **IT IS SO ORDERED:** The Court GRANTS the parties' foregoing stipulation requesting only
23 an extension of the briefing schedule for the Motion for Conditional Certification and Motion
for Class Certification. No other discovery or pre-trial deadlines are extended by this
stipulation.

UNITED STATES MAGISTRATE JUDGE
DATED: 6-27-25